

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	No. 4:21 CR 564 JAR / DDN
	)	
v.	)	
	)	
JAMES MALONEY,	)	
	)	
Defendant.	)	

**DETENTION ORDER**

On October 13, 2021, defendant JAMES MALONEY was indicted by the federal grand jury for interfering with the performance by an American Airlines flight crew member as the plane was being flown in this district, in violation of 49 U.S.C. § 46504. (Doc. 1.)

Defendant Maloney was arrested on this charge on December 4, 2021, in the Western District of New York. On December 6, 2021, after an initial appearance under Federal Rule of Criminal Procedure 5 in Rochester, in that district, defendant was released from the custody of the United States Marshals Service on an appearance bond and conditions of release that included that defendant Maloney not commit any criminal offense, not use any alcohol, and submit to drug testing and drug abuse therapy and counseling.

On March 22 and 31, 2022, the Pretrial Services Office filed an original and an amended petitions for action on the conditions of defendant's release. These petitions alleged that defendant was arrested by New York State Police for criminal mischief, disabling equipment to prevent an emergency call, misdemeanor damaging property, endangering the welfare of a child, second degree harassment, consuming alcohol, failing to report for a random drug test, missing an individual drug abuse counseling session, and criminal contempt of court for posting sexually explicit photos on Facebook of an individual without her consent. An arrest warrant was issued by this Court upon the original petition. A pretrial release revocation hearing was set for April 22, 2022.

On April 11, 2022, defendant filed a documentary waiver of pretrial motions. On April 15, 2022, District Judge John A. Ross set this case for a change of plea hearing on April 29, 2022.

On April 19, 2022, defendant Maloney, with the advice of counsel, filed a signed documentary waiver of his right to the pretrial release revocation hearing set for April 22, 2022. That waiver document, signed by both defendant and his counsel, stated that defendant understands his right to the pretrial release revocation hearing, that he waives this hearing, knowing that the Court will revoke his pretrial release and order him detained pending the disposition of this case. The waiver document also “reserve[s] the right to raise the issue of bond in the future.” (Doc. 23.) On April 21, 2022, the Court vacated the pretrial release revocation hearing.

### **Discussion**

The Bail Reform Act of 1984 provides the following:

The judicial officer shall enter an order of revocation and detention, if . . . the judicial officer ---

(1) finds that there is ---

(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

(B) clear and convincing evidence that the person has violated any other condition of release; and

(2) finds that ---

(A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

(B) the person is unlikely to abide by any condition or combination of conditions of release.

18 U.S.C. § 3148(b).

Upon this record, the Court finds that defendant James Maloney voluntarily waived his right to a pretrial release revocation hearing. Based upon the unopposed signed and sworn original and amended petitions of the Pretrial Services Office, described above, the Court finds that defendant James Maloney violated the conditions of his pretrial release as alleged. *See* 18 U.S.C. § 3148(b)(1)(A). Further, the Court finds there is no condition or combination of conditions

that will reasonably assure that defendant will not pose a danger to the community and will not flee, if released.

Therefore,

**IT IS HEREBY ORDERED** that upon the Petitions of the U. S. Pretrial Services Office the pretrial release of defendant JAMES MALONEY **is revoked**. Defendant is committed to the custody of the United States Marshals Service until further order.

**IT IS FURTHER ORDERED** that defendant JAMES MALONEY voluntarily surrender to the custody of the United States Marshals Service in the Western District of New York at:

US Marshals Service  
Western District of New York  
100 State Street, Room 2240  
Rochester, NY 14614

**not later than Friday, April 22, 2022, at 1:00 p.m. or as directed by the Marshals Service.**

The Court recommends that the Marshals Service confine defendant in the Western District of New York pending further proceedings in this case.

**IT IS FURTHER ORDERED** that defendant be confined in a corrections facility, separate, to the extent practicable, from persons awaiting trial, serving sentences, or being held in custody pending appeal.

**IT IS FURTHER ORDERED** that defendant be allowed reasonable opportunity for consultation with counsel.

**IT IS FURTHER ORDERED** that on order of a court of the United States or on request of an attorney for the United States, the person in charge of the corrections facility in which defendant is confined must deliver defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

/s/ David D. Noce  
**UNITED STATES MAGISTRATE JUDGE**

Signed on April 22, 2022.